

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETROTERMINAL DE PANAMA, S.A.,

Plaintiff,

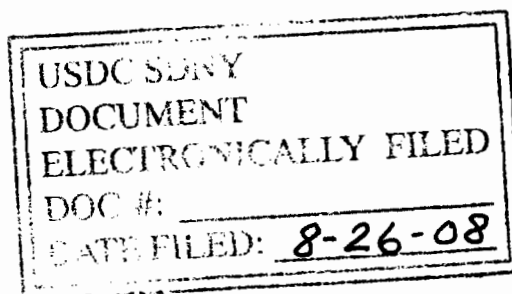
- v -

HOUSTON CASUALTY COMPANY,
NATIONAL LIABILITY & FIRE
INSURANCE COMPANY a/k/a
NATIONAL FIRE & LIABILITY
INSURANCE COMPANY, LIBERTY
MUTUAL INSURANCE COMPANY,
GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK,
INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA, and
CONTINENTAL INSURANCE
COMPANY,

Defendants.

CIVIL ACTION NO.: 08 CV 00547 (JSR)

**STIPULATION AND ORDER TO
WITHDRAW RULE 37 MOTION**



WHEREAS, Petroterminal de Panama, SA ("PTP"), plaintiff herein and defendants, Houston Casualty Company, National Liability & Fire Insurance Company a/k/a National Fire & Liability Insurance Company, Liberty Mutual Insurance Company, Great American Insurance Company of New York, Indemnity Insurance Company of North America, and Continental Insurance Company (hereinafter collectively referred to as "Underwriters Subscribing to Policy No. 06/663" or "Bumbershoot Underwriters") have reached agreement in principle upon a settlement of all matters currently pending before this Honorable Court in the above-captioned litigation; and

WHEREAS, as part of the consideration of the above-referenced settlement agreement, PTP and Bumbershoot Underwriters jointly stipulate to withdrawal, with prejudice, of plaintiff's pending Motion under Rule 37 of the Federal Rules of Civil Procedure, filed herein and requests that this Honorable Court issue an Order to such effect and canceling the hearing thereon scheduled for August 26, 2008. A proposed Order granting the relief requested is appended hereto;

NOW, THEREFORE, it is hereby **AGREED** and **STIPULATED**, by and between PTP and Bumbershoot Underwriters (the "Parties"), as follows:

1. The effective date of this Stipulation is August 25, 2008 ("Effective Date");
2. PTP and Bumbershoot Underwriters jointly stipulate to withdrawal of and dismissal with prejudice of the pending Motion under Rule 37 of the Federal Rules of Civil Procedure, filed herein

Considering the foregoing agreement of the parties and upon review of the record herein,

IT IS SO STIPULATED AND AGREED:

DICKSTEIN SHAPIRO LLP

Dated: August 25, 2008

By: [Signature]

Stephen A. Dvorkin [SD0341]
John P. Winsbro
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New York, NY 10036
(212) 277-6500
ATTORNEYS FOR PLAINTIFF,
PETROTERMINAL DE PANAMA, S.A.

LARZELERE PICO WELLS
SIMPSON LONERO, LLC

Dated: August 25, 2008

By: R. Jeffrey Bridger

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ATTORNEYS FOR DEFENDANTS,
HOUSTON CASUALTY COMPANY,
NATIONAL LIABILITY & FIRE INSURANCE
COMPANY A/K/A NATIONAL FIRE &
LIABILITY INSURANCE COMPANY,
LIBERTY MUTUAL INSURANCE COMPANY,
GREAT AMERICAN INSURANCE COMPANY
OF NEW YORK, INDEMNITY INSURANCE
COMPANY OF NORTH AMERICA, AND
CONTINENTAL INSURANCE COMPANY

Of Counsel:

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Considering the foregoing stipulations and the record herein:

IT IS ORDERED, that this Stipulation and Order for Withdrawal of the pending Motion under Rule 37, Federal Rules of Civil Procedure, filed herein by Plaintiff, Petroterminal de Panama, S.A., be and said Motion is, hereby, ordered withdrawn with prejudice and the hearing scheduled thereon for August 26, 2008 is hereby cancelled.

IT IS SO ORDERED:



U.S. DISTRICT JUDGE

8-25-08